

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEROY BEAUCHAMP,

Defendant.

CR 17-78-GF-BMM-JTJ

FINDINGS AND
RECOMMENDATIONS

I. Synopsis

Defendant Leroy Beauchamp (Beauchamp) has been accused of violating a condition of his supervised release. (Doc. 172). Beauchamp admitted the alleged violation. Beauchamp's supervised release should be revoked. Beauchamp should be sentenced to custody for 9 months with no term of supervised release to follow.

II. Status

Beauchamp pled guilty on October 2, 2018, to the offense of Criminal Child Endangerment, in violation of 18 U.S.C. §§ 1153(a)(2) and Mont. Code Ann. § 45-5-628 as charged in Count I of the Superseding Information. (Doc. 100). Beauchamp was sentenced to 33 months of custody, followed by 2 years of supervised release.

(Doc. 111). Beauchamp's current term of supervised release began on September 2, 2021.

Petition

On January 25, 2023, the United States Probation Office filed a Petition requesting that the Court revoke Beauchamp's supervised release. (Doc. 172). The Petition alleged Beauchamp violated a condition of his supervised release by failing to report to the United States probation office within 72 hours from his January 20, 2023, release from the Bureau of Prisons.

Initial Appearance

Beauchamp appeared before the Court on February 4, 2025. Beauchamp was represented by counsel. Beauchamp stated that he had read the Petition and that he understood the allegation against him. Beauchamp waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

Beauchamp appeared before the Court on February 4, 2025. Beauchamp admitted that he had violated a condition of supervised release as set forth in the Petition by failing to report to the United States probation office within 72 hours from his January 20, 2023, release from the Bureau of Prisons. The Court determined

that Beauchamp's violation is serious and warrants revocation of his supervised release.

Sentencing hearing

Beauchamp appeared before the Court on February 4, 2025. Beauchamp's violation is Grade C. His criminal history category is I. Beauchamp's underlying offense is a Class C felony. Beauchamp could be incarcerated for 24 months. Beauchamp could be ordered to remain on supervised release for 24 months less any custody time. The United States Sentencing Guidelines call for a term of custody of 3 to 9 months.

III. Analysis

Beauchamp's supervised release should be revoked. Beauchamp should be sentenced to custody for 9 months, with no term of supervised release to follow. This sentence is sufficient but not greater than necessary.

IV. Conclusion

The Court informed Beauchamp that the above sentence would be recommended to the Chief United States District Judge Brian Morris. The Court also informed Beauchamp of his right to object to these Findings and Recommendations within 14 days of this issuance. The Court explained to Beauchamp that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any,

sanction to impose. Beauchamp waived his right to appeal and allocute before Judge Morris.

The Court **FINDS**:

That LEROY BEAUCHAMP has violated a condition of his supervised release by failing to report to the United States probation office within 72 hours from his January 20, 2023 release from the Bureau of Prisons.

The Court **RECOMMENDS**:

That the District Court revoke Beauchamp's supervised release and sentence Beauchamp to custody for 9 months, with no term of supervised release to follow.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO
OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge and may waive the right to appear and allocute before a district court judge.

DATED this 5th day of February 2025.



John Johnston
United States Magistrate Judge